BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GOLI KHANDAN-ALAI a.k.a. GOLI A. KHANDAN –ALAI a.k.a. GOLI A. KHANDAN P.O. Box 10177 Costa Mesa, CA 92627

Registered Nurse License No. 580488 Nurse Anesthetist Certificate No. 3219

Respondent

Case No. 2013-5

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 7, 2012.**

IT IS SO ORDERED December 7, 2012.

Raymond Mallel, President

Board of Registered Nursing

Department of Consumer Affairs

State of California

1 2	KAMALA D. HARRIS Attorney General of California JAMES M. LEDAKIS			
3	Supervising Deputy Attorney General DESIREE I. KELLOGG			
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9	BEFORE THE BOARD OF REGISTERED NURSING			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11		ITOMMA		
12	In the Matter of the Accusation Against: Cas	se No. 2013-5		
13	GOLI KHANDAN-ALAI AKA GOLI A. KHANDAN-ALAI AKA			
14		IPULATED SURRENDER OF CENSE AND ORDER		
15				
16	Registered Nurse License No. 580488 Nurse Anesthetist Certificate No. 3219			
17	Respondent.			
18				
19	IT IS HEREBY STIPULATED AND AGREEI	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this		
20	proceeding that the following matters are true:			
21	PARTIES	<u>PARTIES</u>		
22	1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of			
23	Registered Nursing. She brought this action solely in her official capacity and is represented in			
24	this matter by Kamala D. Harris, Attorney General of the State of California, by Desiree I.			
25	Kellogg, Deputy Attorney General.			
26	2. Goli Khandan-Alai aka Goli A. Khandan-Alai aka Goli A. Khandan (Respondent) is			
27	representing herself in this proceeding and has chosen not to exercise her right to be represented			
28	by counsel.			

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- 3. On or about May 3, 2001, the Board of Registered Nursing issued Registered Nurse License No. 580488 to Goli Khandan-Alai aka Goli A. Khandan-Alai aka Goli A. Khandan (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-5 and will expire on March 31, 2013, unless renewed.
- 4. On or about March 10, 2005, the Board of Registered Nursing issued Nurse Anesthetist Certificate No. 3219 to Goli Khandan-Alai aka Goli A. Khandan-Alai aka Goli A. Khandan (Respondent). The Nurse Anesthetist Certificate No. 3219 was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-5 and will expire on March 31, 2013, unless renewed.

JURISDICTION

5. Accusation No. 2013-5 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 2, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-5 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2013-5. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.
- 7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-5, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 580488 and Nurse Anesthetist Certificate No. 3219 for the Board's formal acceptance.
- 10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License and Nurse Anesthetist Certificate without further process.

CONTINGENCY

- 11. This stipulation shall be subject to approval by the Board of Registered Nursing.

 Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER.

IT IS HEREBY ORDERED that Registered Nurse License No. 580488 and Nurse Anesthetist Certificate No. 3219, issued to Respondent Goli Khandan-Alai aka Goli A. Khandan-Alai aka Goli A. Khandan, is surrendered and accepted by the Board of Registered Nursing.

- 1. The surrender of Respondent's Registered Nurse License and the Nurse Anesthetist Certificate and the acceptance of the surrendered license and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.
- 2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-5 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,602.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

Exhibit A

Accusation No. 2013-5

1	Kamala D. Harris				
2	Attorney General of California ALFREDO TERRAZAS				
3	Senior Assistant Attorney General JAMES M. LEDAKIS				
·	Supervising Deputy Attorney General				
4	State Bar No. 132645 110 West "A" Street, Suite 1100				
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8	Attorneys for Complainant				
9	BEFORE THE BOARD OF REGISTERED NURSING				
10	DEPARTMENT OF CONSUMER AFFAIRS				
11	STATE OF CALIFORNIA				
12					
13	In the Matter of the Accusation Against: Case No. 2013-5				
14	GOLIKHANDAN-ALAI ACCUSATION				
	AKA GOLI A. KHANDAN-ALAI AKA GOLI A. KHANDAN				
15	9331 Darrow Drive Huntington Beach, CA 92646				
16.					
17	Registered Nurse License No. 580488 Nurse Anesthetist Certificate No. 3219				
18	Respondent.				
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20	Complainant alleges:				
21	PARTIES				
22	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her				
23	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department				
24	of Consumer Affairs.				
25	2. On or about May 3, 2001, the Board of Registered Nursing issued Registered Nurse				
26	License Number 580488 to Goli Khandan-Alai, aka Goli A. Khandan-Alai, aka Goli A. Khandan				
27	(Respondent). The Registered Nurse License was in full force and effect at all times relevant to				
28	the charges brought herein and will expire on March 31, 2013, unless renewed.				

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3. On or about March 10, 2005, the Board of Registered Nursing issued Nurse Anesthetist Certificate No. 3219 to Respondent. The Nurse Anesthetist Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2013, unless renewed.

JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

10. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or Possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

11. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturophatic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, podiatrist, dentist, optometrist, veterinarian, naturophatic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
 - (b) Failure to comply with any mandatory reporting requirements.
 - (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.
- 13. California Code of Regulations, title 16, section 1445 states:
- (b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:
 - (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.

COSTS

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

- 15. <u>Fentanyl</u> is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c)(8), and a dangerous drug pursuant to Business and Professions Code section 4022.
- 16. <u>Ketamine</u> is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (g), and a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(July 15, 2011 Criminal Conviction for Burglary, Embezzlement Over \$400, Grand Theft Exceeding \$400, Possession of a Controlled Substance, Conspiracy, and Possession of Stolen Property in 2010 and 2011)

- 17. Respondent has subjected her license to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:
- a. On or about July 15, 2011, in a criminal proceeding entitled *People of the State of California vs. Goli Khandan Alai, aka Goli Alai Khandan*, in the Superior Court of California, County of Riverside, in Case No. RIF1101839, Respondent was convicted on her plea of guilty of violating Penal Code sections 459 (burglary), 503 (embezzlement over \$400), 487(A) (grand theft exceeding \$400), 182 (A)(1) (conspiracy to commit a crime), 496(A) (possession of stolen property), and Health and Safety Code sections 11377 (A) and 11350 (possession of controlled substances), all felonies.

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- b. As a result of the convictions, the Court ordered that Respondent serve 365 days in the county jail, with eight (8) days actual and four (4) days good time credit, for a total of 12 days credit, and placed her on formal probation for three years. The court also ordered Respondent, among other things, to obey all laws, pay various fines and fees, pay restitution to the victim, Kaiser Permanente, in an amount to be determined by the Court, submit to chemical tests of blood, saliva, breath, urine, and any other reasonable tests as directed by her probation officer for the detection of controlled substances, and to submit to search and seizure of person, auto, home, premises, garage, storage areas, and personal/leased property with or without cause by probation officer or other law enforcement. The Court also ordered Respondent to participate in and complete at her own expense a treatment program as directed by her probation officer, provide DNA samples as directed by her probation officer or other law enforcement, not associate with any unrelated person known to be on probation or parole, not leave State of California without prior authorization from her probation officer, seek and maintain gainful employment or school, and to report to probation officer within 48 hours of release from custody.
- c. The facts that led to the convictions are that on between or about 2010 and 2011, Kaiser Permanente Hospital located at 10800 Magnolia Avenue in the City and County of Riverside, had been experiencing a significant loss in surgical supplies from a supply room adjacent to the second floor operating rooms. The loss for the calendar year 2010 was estimated at between \$100,000 to \$500,000, and for 2011 at about \$33,035.
- d. Toward the end of 2010, the supply room was secured and a cypher lock installed to allow only authorized employees access using individually assigned access codes. Supervisors began conducting inventories and security began to monitor video of employees coming and going from the supply room. In 2011, Respondent was observed entering the supply room on four separate occasions, on February 5, 2011, at 2125 hours, February 27, 2011, at 0250 hours, March 6, 2011, at 0236 hours, March 13, 2011, at 1952 hours, and using another employee's access code as she was not one of the personnel authorized to enter the supply room. During each of the four occasions Respondent was observed entering the supply room, she was observed via surveillance video to be carrying a dark color duffle bag into the supply room that appeared to be

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lightweight and empty, then minutes later exiting through a secondary door that is kept locked from the outside but can be opened from inside the room, with the same duffle bag over her shoulder which appeared to have content and weight. The hospital reporting party developed information which showed Respondent to associate with a subject by the name of B.K. and the reporting party discovered that B.K. listed the same exact items found missing from the hospital for sale on the internet. This same associate of Respondent used the website www.alibaba.com and the business name United Capital Group, Inc., to sell the stolen items.

On March 17, 2011, a search warrant was issued for Respondent's person, car, 3 residences in Orange County and four other vehicles related to Respondent, and cell phone records, and on the same date, Respondent was arrested after she showed up at work at 2100 hours. A search of her person and a gray duffel bag she had in her possession resulted in the seizure of stolen medical and surgical supplies, including a Tyco Auto Suture GIA 60 3.8 mm Reloadable Stapler, Tyco endoscopic GIA Roticulators, Schedule II and III controlled drugs (15 sealed 1-gram/2ml bottles of liquid Magnesium Sulfate, (1) sealed 10 mcg/2 ml bottle of liquid Fentanyl, (1) partially used 20mg/20 ml. bottle of liquid Ketamine and (1) partially used 500 mg/5 ml bottle of liquid Ketamine HCI. During the search of Respondent's vehicle pursuant to the warrant, investigators found additional illegal drugs (4 sealed 100 mcg/2 ml bottles of liquid Fentanyl, 2 partially used 500 mg/5ml bottles of liquid Ketamine HCI and 1 partially used larger bottle of liquid Ketamine found inside two black pouches inside the passenger compartment of her vehicle. Also found were four additional gray and black duffel bags with shoulder straps and tote bags, some of which had been previously observed on the hospital's surveillance video, and several bags filled with medical supplies. A search of three residences pursuant to the search warrants, found additional stolen inventory which filled three police vans. A review of text communications between Respondent and suspect B.K. showed they communicated about plans to steal medical/hospital supplies from the hospital. Respondent and her B.K. were arrested and booked at the Riverside County Jail.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Obtain and Possess Controlled Substances)

Respondent is subject to disciplinary action pursuant to Code section 2761(a), on the grounds of unprofessional conduct, as defined by Code section 2762(a), in that between or about 2010 and March 17, 2011, Respondent obtained and possessed the controlled substances Fentanyl and Ketamine, as set forth at paragraph 17, above, which are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Conviction of Drug Related Crimes)

19. Respondent is subject to disciplinary action pursuant to Code section 2761(a), on the grounds of unprofessional conduct, as defined by Code section 2762(c), in that on or about July 15, 2011, Respondent was convicted of drug related crimes, as is more fully detailed at paragraph 17, above, which are incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged. and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 580488 issued to Goli Khandan-Alai, aka Goli A. Khandan-Alai, aka Goli A. Khandan;
- 2. Revoking or suspending Nurse Anesthetist Certificate No. 3219 issued to Goli Khandan-Alai, aka Goli A. Khandan-Alai, aka Goli A. Khandan:
- 3. Ordering Goli Khandan-Alai, aka Goli A. Khandan-Alai, aka Goli A. Khandan, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - Taking such other and further action as deemed necessary and proper.

DATED: July 2,201

OUISE R. BAILEY, M.ED., R Interim Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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